GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

STARRED QUESTION NO:400
ANSWERED ON:14.12.2016
Entry of Foreign Law Firms
Meena Shri Harish Chandra

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Government proposes to allow entry of foreign law firms into the country and if so, the details thereof and the reasons therefore along with the method of entry;
(b) whether the Advocates Act bars people/firms from practicing law in India if they are not citizens of the country and if so, the manner in which the Government is planning to integrate foreign law firms and advocacy; and
(c) whether new rules/amendments to Advocates Act will allow Indian law firms to set up offices overseas and hire foreign qualified partners and if so, the details thereof?

Answer

ANSWER

MINISTER OF LAW AND JUSTICE AND ELECTRONICS AND INFORMATION TECHNOLOGY

(SHRI RAVI SHANKAR PRASAD)

(a) to (c) : A statement is laid on the Table of the House.

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STATEMENT REFERRED TO IN REPLY TO PARTS (a) to (c) OF LOK SABHA STARRED QUESTION NO. 400 FOR 14.12.2016, REGARDING 'ENTRY OF FOREIGN LAW FIRMS'

(a) : The matter regarding entry of foreign law firms/lawyers is under consideration of the Government subject to the outcome of Special Leave Petition (Civil) No. 17150-1754 of 2012 titled as Bar Council of India vs. A. K. Balaji and Ors. pending before the Hon'ble Supreme Court of India.

(b) : No Madam. As per Section 47 of the Advocates Act, 1961 persons other than citizens of India shall be recognised for the purpose of admission as an advocate under the Act on reciprocal basis. Section 47 of the Advocates Act, 1961 is reproduced as under:-

"47. Reciprocity.â€"(1) Where any country, specified by the Central Government in this behalf by notification in the Official Gazette, prevents citizens of India from practising the profession of law or subjects them to unfair discrimination in that country, no subject of any such country shall be entitled to practise the profession of law in India.
(2) Subject to the provisions of sub-section (1), the Bar Council of India may prescribed the conditions, if any, subject to which foreign qualifications in law obtained by persons other than citizens of India shall be recognised for the purpose of admission as an advocate under this Act."

(c) : The matter regarding entry of foreign law firms/lawyers on reciprocal basis is under consideration of the Government subject to the outcome of Special Leave Petition (Civil) No. 17150-1754 of 2012 titled as Bar Council of India vs. A. K. Balaji and Ors. pending before the Hon'ble Supreme Court of India.